1st Election District 1st Councilmanic District Sylvester W. Appelbaum, et ux Petitioners

* OF BALTIMORE COUNTY

* DEPUTY ZONING COMMISSIONER

* Case No. 94-193-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the property, Sylvester W. and Dorothy J. Appelbaum. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached carport) to be located on a corner lot in the 1/3 of the rear yard not farthest removed from the side street, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE. IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\chi^{\prime\prime\prime}$ day of December, 1993 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached carport) to be located on a corner lot in the 1/3 of the rear yard not farthest removed from the side street, (20 feet from the side property line and 10 feet from the rear property line). in accordance with Petitioner's Extibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> 2) The proposed carport shall remain open on the three exposed sides. At no time shall the carport be enclosed without a public hearing to determine the appropriateness of same.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> Deputy Zoning Commissioner for Baltimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

____Catonsville, Md.

That based upon personal knowledge, the following are the facts upon which live base the request for an Administrative Variance at the above address: indicate hardship or practical difficulty):

That the Affant(s) does/do presently reside at ______401_Oak_Forest_Avenue

A driveway and and parking area now exist which are adjacent to an existing garage. The parking area is surrounded by trees which over hang the area. At certain times of the year acorns drop and dent the cars parked there. At other times sap drips and harms the paint on the cars, we wish to build a carport to protect the cars. It is impractical and obtrusive to extend driveway to build a carport on a site permitted by zoning laws.

That Affrant(s) acknowledge(s) that if a protest is filed, Affrant(s) will be required to pay a reposting and advertising fee and Sylvester W. Appelbaum HERESY CERTIFY, this 2 nd day of November Sylvester W Appelbaum & Dorothy I Appelbaum the Affiants(s) herein, personally known or satisfactorily identified to me as such Affianti(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal. 11/0/93

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 401 OAK FOREST AVENUE Election District 01 Councilmanic District 01

Beginning at a point where a iron pipe is driven into the ground at the corner formed by the intersection of the southeast side of Tredegar Avenue, sixty feet wide and the northeast side of Oak Forest Avenue, forty feet wide; and running from said place of beginning binding on the northeast side of Oak Forest Avenue. South twelve degrees seven minutes twenty seconds east one hundred feet to an iron pipe; thense leaving that point at right angles and running North seventy-seven degrees fifty-two minutes forty seconds east one hundred fifty feet to an iron pipe; thense North twelve degrees seven minutes twenty seconds west one hundred feet to an iron pipe on the southeast side of Tredegar Avenue; thense South seventy-seven degrees fifty two minutes forty seconds west on the southeast side of Tredegar Avenue one hundred fifty feet to the place of beginning

Being Lots # 316,317,318 & 319 in the subdivison of Oak Forest Park as recorded in the Baltimore County Plat Book # 05, Folio 090, containing 15,000 square feet or .344 acres

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MĎ 21204

(410) 887-4386

December 8, 1993

Mr. & Mrs. Sylvester W. Appelbaum 401 Oak Forest Avenue Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE SE/Corner Oak Forest Avenue and Tredegar Avenue (401 Oak Forest Avenue) 1st Election District - 1st Councilmanic District Sylvester W. Appelbaum, et ux - Petitioners Case No. 94-193-A

Dear Mr. & Mrs. Appelbaum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

> Very truly yours, Muthy lot roce TIMOTHY M. KOTROCO Deputy Zoning Commissioner

> > for Baltimore County

TMK:bjs

cc: People's Counsel

Type or Print Name:

Afterney for Petitioner

e or Print Name

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 401 Oak Porest Avenu which is presently send

This Petition shall be filed with the Office of Zening Administration & Development Managemen The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 To allow an accessory structure (detached carports on a corner sot to be located in the 1/3 rear yard not Commonst removed from the side street.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, (indicate hardship or

Impractical and obtrusive to extend driveway to area where zoning laws would permit the construction of a carport. Macadam slab already exists where carport is proposed.

Property is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

We study and the see and affirm under the cenadratic for any that has are the may commerce of the property which is the support of the beginning Confract Purchaser Lessee - egal famers Sylvester W. Appelbaum som akvetile leppellan Dorothy J. Appelbaum Morally in leggithour State 401 Oak Forest xgenue 747-2979 Catonsville, Md. 21228 no agent Prices NV. 1500 Derya W

A Public Hearing having been requested and or found to be required. It is ordered, by the Lording Commissioner of Bartmark County, Rose of the county of the If all the subject matter of this petition be set for a public hearing, advertised as required by the flowing Regulation of Bartimore County, and that property be reposited. (and commission or testings) and

ITEM 0: 197

Sylvator + Postay Usela bren Location of property: 1901 Och Forst How Stillor Och Forst t Tre deschie Location of Signer 10000 Year Way, Dr. Property bring 70 red

Sylvester Appelbaum 401 Oak Forest Ave

- Residential (ADMA) Variance

Baltimore County Government Office of Zoning Administration and Development Management

411 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

November 26, 1993

Mr. and Mrs. Syvester W. appelbaum 401 Oak Forest Avenue Catonsville, Maryland 21228

> RE: Case No. 94-193-A, Item No. 197 Petitioner: Sylvester W. Appelbaum, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Appelbaum:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the sening action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 5, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions alling requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



O James Lighthizer Hal Kassoff Administrator

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Re: Baltimore County Item No.:

Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief Engineering Access Permits Division

BS/

111 West Chesapeake Avenue

NOVEMBER 10, 1993

TO: Sylvester W. Appelbaum and Dorothy J. Appelbaum

SEC Oak Forest Avenue and Tredegar Avenues 1st Election District - 1st Councilmanic

401 Oak Forest Avenue Catonsville, Maryland 21228

401 Oak Forest Avenue

CASE NUMBER: 94-193-A (Item 197)

Towson, MD 2120+

My telephone number is ______ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government Office of Zoning Administration and Development Management

NOTICE OF CASE NUMBER ASSIGNMENT

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and

1) Your property will be posted on or before November 21, 1993. The closing date (December 6, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written

In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County

3) Please be advised that you must return the sign and post to this office. They may be returned after the

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER

be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

notification as to whether or not your petition has been granted, denied, or will go to public hearing.

newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

closing date. Failure to return the sign and post will result in a \$60.00 charge.

WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

BALTIMORE COUNTY, MARYLAND

DATE: November 15, 1993

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

Item Nos. 187, 191, 195, 196, 197, 198 and 199.

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3430.

Division Chief:

PK/JL:lw

ZAC.187/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

November 23, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management FROM: J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #193 - Deen Property 11823 Manor Road

Zoning Advisory Committee Meeting of November 15, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Soil percolation tests must be conducted.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-3980.

JLP:TE:sp

DEEN/DEPRM/TXTSBP

Baltimore County Government
Department of Permits and Licenses

NOVEMBER 18, 1993

(410) 887-3610

Arnold Jablon Director

Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

111 West Chesapeake Avenue Towson, MD 21204

MEETING OF HOVEMBER 15, 1993

Property Owner: Roger Wadkins and Beatrice F. Wadkins Location: #1630 Cape May Poad Item No.: 190 (JPF)

Property Owner: Catherine G. Deen & Holly Lee Deen Location: #11823 Manor Poud Item No.: 193 (JCM)

Property Owner: Charles Michael Thomas & Catherine A. Thomas
Location: #9 Graveswood Road #9 Graveswood Poad

*194 (WCR)

Property Owner: Michael J. Piller & Pamela M. Biller Location: #2311 Shaded Prook Drive | #2315 (JRF)

Property Owner: Edward C. Pyrnes & Lisa S. Pyrnes Location: #1710 Kurtz Avenue

Item No.: * 196 (JJS)

Property Owner: Sylvester W. Applebaum and

#401 Oak Forest Avenue Location:

Item No.: * 197 (JJS)

Property Owner: Carolyn H. Polinson & Timothy W. Polinson Location: #2212 Dalewood Poad

*198 (PT)

Property Owner: George H. Woodward & Doris C. Woodward Location: #19504 Pesh Mill Poad

Item No.: *199 (JCM/JPF)

Gentlemen:









